

JAMES A. VINES

JULY 19, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. GOODWIN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 2444]

The Committee on the Judiciary, to whom was referred the bill (H. R. 2444) for the relief of James A. Vines, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to pay the sum of \$118.68 to James A. Vines, of Knoxville, Tenn., in full settlement of all claims against the United States arising out of the fact that Mr. Vines, while acting as cashier of the War Assets Administration Customer Service Center, 123 Poplar Street, Charlotte, N. C., accepted the checks from one R. A. Murray, one in the amount of \$93 dated January 31, 1947, the other in the amount of \$25.68 dated February 6, 1947, in payment of properties purchased by said Murray from the War Assets Administration and which said checks were not in due course deposited by the said Vines due to circumstances over which he was not responsible, and which were charged against his salary.

STATEMENT OF FACTS

It appears that Mr. James A. Vines, while acting in the capacity of collection officer for the War Assets Administration, accepted two checks from R. A. Murray in the amounts of \$93 and \$25.68 in payment for certain surplus materials. The Accounting Division of the War Assets Administration deducted the total of these amounts from Mr. Vines' salary. In a letter from the General Services Administration dated August 15, 1950, it is stated that they oppose the enactment of this bill. However, this letter does not give much enlightening information.

Mr. Vines has submitted to the committee sworn affidavit dated December 12, 1950, in which he makes a complete explanation in con-

nection with these two checks, and after careful consideration by this committee it was the unanimous opinion that Mr. Vines should be reimbursed in the amount of \$118.68. The committee was further of the opinion that there was no negligence on his part and the enactment of this bill is recommended. The affidavit of Mr. Vines is as follows and is fully explanatory:

AFFIDAVIT OF JAMES A. VINES IN SUPPORT OF HIS CLAIM AS SET OUT IN H. R. 9063, EIGHTY-FIRST CONGRESS, SECOND SESSION

The affiant, James A. Vines, after being duly sworn, deposes and says:

1. That he is a citizen of the United States of America and is at present a resident of the State of Tennessee, residing at 909 Locust Street, Apartment A, Knoxville, Tenn.

2. On July 15, 1946, the affiant was employed by the War Assets Administration, Custom Service Center, 123 Popular Street, Fort Bragg, N. C. On and after said date affiant accepted checks of various parties in payment for war surplus materials. That affiant had two other persons working under his supervision who also accepted such payments. Affiant was instructed to accept the personal checks of various purchasers of surplus commodities, such checks to be deposited to the credit of the War Assets Administration Regional Office of Charlotte, N. C.

3. During the period of affiant's employment checks of one R. A. Murray in the amount of \$93, dated January 31, 1947, and another in the amount of \$25.68, dated February 6, 1947, were accepted in payment of commodities purchased by said Murray from the War Assets Administration, which said checks are attached hereto as a part of this affidavit. Affiant has no independent recollection of the acceptance of these checks or the particular transaction involved, and has no information as to whether such checks were accepted by him personally or by persons under his supervision in the course of his employment. At the time the said checks were accepted at the place of affiant's employment, Fort Bragg, N. C., the office at Fort Bragg was being moved to Wilmington, N. C. The said checks were duly placed along with several other checks in an envelope accompanied by the appropriate schedule of daily collections. The said envelope containing the checks and schedule aforesaid was stamped for registry by other employees of the War Assets Administration, but was inadvertently mislaid or misplaced and not placed in the United States mail.

Approximately 1 month later and during the completion of the operation of moving the said suboffice from Fort Bragg to Wilmington, N. C., the said envelope containing the checks and schedule above described was discovered in a filing cabinet, properly stamped and sealed and with all contents intact. Affiant opened the said envelope, observed the contents, and promptly notified the Charlotte office of the War Assets Administration and placed the said checks and schedule in the mail immediately. The said envelope contained some six or seven checks, all of which were honored with the exception of the two checks heretofore set out signed by R. A. Murray in the amounts of \$93 and \$25.68, respectively. The said checks, drawn on the State Bank of Wingate, N. C., were subsequently, according to the War Assets Administration, dishonored by the bank.

4. That notwithstanding the fact that the said checks totaling \$118.68 were duly forwarded to the War Assets Administration on or about March 1, 1947, affiant was not advised by the said War Assets Administration until receipt of their letter dated July 16, 1948, to the effect that the said checks had been dishonored and that affiant would be personally held to account for the sum of \$118.68, the total amount of the two checks. Affiant verily believes that had he been promptly notified that said checks were dishonored, he would have been able to effect collection of the amounts represented, but the failure of the War Assets Administration to so notify him was a material factor in his being unable to effect collection of the amounts represented by the said checks.

5. By their letter of August 17, 1948, the War Assets Administration returned to affiant the said checks, after which affiant diligently attempted to collect the amount represented by the checks, but in spite of his efforts was unable to do so. Affiant further attempted to employ various attorneys to collect for the said checks but was advised by his attorneys in each case that because the said checks were payable to the Treasurer of the United States of America, no action could be maintained by him to recover against the maker of the checks.

6. That out of affiant's final check for wages due up to July 19, 1948, the date of the termination of his employment by the War Assets Administration, the total sum of \$118.68 was deducted.

7. That affiant has suffered a loss in the sum of \$118.68 through no fault or carelessness on his part, that he has diligently attempted to recoup the said loss without success, and that he is informed and believes that the only remedy he has is by congressional action as set out in H. R. 9093 heretofore introduced by the Honorable John Jennings, Jr., in the Eighty-first Congress of the United States of America, second session.

JAMES A. VINES.

STATE OF TENNESSEE,  
County of Knox:

Sworn to and subscribed before me this day of December 12, 1950.

[SEAL]

PAUL E. PARKER, Notary Public.

My commission expires July 12, 1952.

WAR ASSETS ADMINISTRATION,  
ATLANTA REGION,  
Atlanta, Ga., July 16, 1948.

Re uncollectible checks, R. A. Murray, Wingate, N. C.—Amount \$93, dated January 31, 1947; amount \$25.68, dated February 6, 1947.

Mr. JAMES A. VINES,  
Cashier, War Assets Administration,  
Customer Service Center, Charlotte, N. C.

DEAR MR. VINES: The Chief of the Accounting Division of this office has referred to our attention the above matter with the request that it be handled by us to a conclusion.

We observe from the file in this case that subject checks were accepted by you for the purchase of surplus property by Mr. R. A. Murray, Wingate, N. C., at a site sale held at Camp Sutton, N. C., on January 31 and February 6, 1947, respectively, and these checks were not, in due course, deposited within the statutory time limit of 30 days, as prescribed in title 31, United States Code, section 495. Since you did not deposit these checks within the statutory period, you became accountable to the Government for the respective amounts involved.

In view of the above, we are requesting the Payroll Division of this office to deduct from your salary check the sum of \$118.68 and deposit same to the special deposit account where it shall remain available for repayment to you should Mr. Murray discharge his liability by the payment to the Government of the amount of these checks. If Mr. Murray fails to discharge his liability as indicated, the amount deducted from your salary would then be transferred to the appropriate deposit account of this agency.

In the meantime, we are assisting you by requesting Mr. Murray to make payment of these checks. If we are successful in effecting collection, the amount deducted from your salary will be reimbursed to you.

Very truly yours,

JOHN M. FORRESTER,  
Assistant Regional Counsel.

Registered mail—Return receipt requested.  
Deliver to addressee only.

WAR ASSETS ADMINISTRATION,  
ATLANTA REGION,  
Atlanta, Ga., August 17, 1948.

Mr. JAMES A. VINES,  
Wrightsville Beach, N. C.

DEAR MR. VINES: This is in reference to your telephone call today in which you stated that you have been successful in locating Mr. R. A. Murray but will be unable to collect the two checks dated January 31 and February 6, 1947, in the respective sums of \$93 and \$25.68, payable to the Treasurer of the United States, drawn on the State Bank of Wingate, Wingate, N. C., without the original checks; therefore, you requested that these checks be forwarded to you.

Our records show that a deduction from your salary check for the period July 1948 in the sum of \$118.68 was effected on July 19, 1948, on Schedule of Voucher Deductions No. 28, Sheet No. 1, to insure collection of the following uncollectible

JAMES A. VINES

checks: R. A. Murray, Wingate, N. C., \$93, dated January 31, 1947; \$25.68, dated February 6, 1947, totaling \$118.68. This deduction has been deposited in "11F5875 Special deposits suspense, Executive Office of the President," and if collection is made from the signer of these checks the amount deducted from your salary will be reimbursed to you.

In view of the above, and at your request, we are enclosing herewith the above-described and designated checks for your use in effecting collection. When collection of these checks has been effected and the proceeds thereof remitted to this office by you, reimbursement will be made to you for the amount deducted from your salary check, as indicated above.

Very truly yours,

JOHN M. FORRESTER,  
Assistant Regional Counsel,  
Disposal and Administrative Services Division.

WASHINGTON, D. C., June 6, 1950.

JAMES A. VINES, Esq.,  
Knoxville, Tenn.

DEAR JIM: This is a reply to your letter of June 2, 1950, with which you forwarded checks and correspondence concerning your claim against R. A. Murray, Wingate, N. C.

The letters from the War Assets Administration addressed to you indicate that they deducted \$118.68 from your salary but placed it in a special deposit account subject to being released to you if the amounts due on the checks were collected from Mr. Murray. If the matter has not been closed by the War Assets Administration and the deductions from your salary have not been applied to final payment of the checks, it might be possible to proceed against Mr. Murray on the theory that the money is due the United States and that the deductions from your salary have only been held in the nature of security.

In these circumstances, I suggest that you return the checks to the War Assets Administration with a request that the matter be referred to the Claims Division, Department of Justice, for appropriate action.

It was nice to hear from you and I hope I can be of some help.

The checks and other correspondence which you forwarded to me are returned herewith.

Sincerely,

H. GRAHAM MORISON.

GENERAL SERVICES ADMINISTRATION,  
OFFICE OF THE ADMINISTRATOR,  
Washington, August 15, 1950.

HON. EMANUEL CELLER,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington 25, D. C.

DEAR MR. CELLER: This will acknowledge your letter of July 11, 1950, inquiring as to H. R. 9063, for the relief of James A. Vines.

It is noted that the bill recites (p. 2, line 5 et seq.) "said checks were not in due course deposited by the said James A. Vines due to circumstances over which said James A. Vines was not responsible." The files of this office disclose only that Mr. Vines received these checks in the capacity of a collection officer for the War Assets Administration. At the time the checks were received the drawer had sufficient funds on deposit to pay the amounts due. However, Mr. Vines held the checks without depositing them for a period in excess of 30 days, at which time the drawer had failed in business and the checks could not be honored upon presentation.

The file does not show any justification or excuse for Mr. Vines' failure promptly to deposit these checks, and it would appear that in the absence of particular circumstances of the most meritorious nature, the bill should not be enacted.

For your information, it appears that the Aetna Casualty & Surety Co. made up a \$10 cash shortage in Mr. Vines' accounts in another connection.

The Bureau of the Budget has informally advised that there is no objection to the submission of this report.

Sincerely yours,

JESS LARSON, Administrator.